

Noida International University
School of Law and Legal Affairs
LL.M-I Semester Syllabus

Subject: Research Methods and Legal Writing

Subject Code: LLM/CP/101

Credits: 03

COURSE CONTENT:

UNIT I: Introduction to Legal Research

- What is research & what are types of research
- Research Methods and Research Methodology
- What is legal research?
- Scope and relevance of legal research
- Importance (Purpose) of legal research
- Legal research and methodology
- Major stages in legal research
- Models of legal research
- Current trends in legal research

UNIT II: Doctrinal Legal Research and Non- Doctrinal Legal Research

- Doctrinal Legal Research
- Aims and Basic Tools of Doctrinal Legal Research
- Advantages and Limitations of Doctrinal Legal Research
- Non-Doctrinal Legal Research Or Socio-Legal Research
- Aims and Basic Tools of Non-Doctrinal Legal Research
- Advantages and Limitations of Non-Doctrinal Legal Research
- Inter-relation between Doctrinal and Non-doctrinal Legal Research

UNIT III: Hypothesis and Research Design

- What is Hypothesis?
- Characteristics of a workable Hypothesis
- Role of hypothesis Introduction
- Major contents of research design
- Types of research design
- Role (utility) of research design

UNIT IV: Sampling Techniques, Data Collection, Analysis and Interpretation

- Random and Non-random-Random sampling techniques
 - Types with their relative advantages and disadvantages-
- Non-random sampling techniques:
 - Types with their relative advantages and disadvantages
- Tools of Data collection
- Interview- Interview Schedule- Questionnaire- Observation,
- Doctrinal legal research
- A general Approach to Legal Research

- Doing the Legal research
- Non-doctrinal legal research
- Analysis and interpretation of data-inter-dependence and inter-relation

UNIT V: Writing a Research Report

- The Preliminaries-
 - Preface-
 - Acknowledgement-
 - Table of Contents-
 - Table of Cases-
 - Table of Statutes-
 - Abbreviations-
 - List of Tables.
- Introduction-
 - Chapters and sub-headings-
 - Conclusion and recommendations-
 - Footnotes (or Endnotes)
- The References: Bibliography- Appendix- Index
- Writing an abstract
- Writing a Book Review
- Writing Case comments

Books & References:

- 1) S R Myneni, Legal Research Methodology
- 2) Murray & De Sanctis, Legal Research and Writing (2004);
- 3) S.K.Verma and AfzalWani-Legal Research Methodology
- 4) The Bluebook: A Uniform System of Citation (17th ed. 2000
- 5) The legal writing handbook : analysis, research, and writing / Laurel Currie Oates, Anne Enquist,

Noida International University
School of Law and Legal Affairs
LL.M-I Semester Syllabus

Subject: Comparative Public Law

Subject Code: LL.M./CP/102

Credit: 03

COURSE CONTENT:

UNIT I: Introduction

- Meaning and definition.
- Concept of Public Law.
- Difference between Private/Public Law.

UNIT II: Instruments of Comparative Public Law.

- Comparative study of Constitution of the U.S, U.K. and India
- Law making mechanism under Common Law & Civil Law.
- Meaning, definition & concept of Federalism.

UNIT III: Role of Judiciary In The Development Of Public Law

- Concept of P.I.L.(LOCUS STANDI.) (Case study: *HussainaraKhatoon v.State of Bihar* 1980 SCC (1) 81)
- Concept of Judicial Activism under U.S. and Indian Constitution.
- Process of Judicial Review of Administrative and Executive Actions (Article 13 & 137)
- Case study:
 - *Marbury v. Madison* (5 U.S. 137 (1803),
 - *L. Chandra Kumar v. Union of India* (1995 AIR 1151, 1995 SCC (1) 400.)
- Judicial Accountability (Judicial Accountability Bill 2013)

UNIT IV: Ombudsman

- Origin and Etymology
- International Scenario of Ombudsman Institution
- Indian Scenario-
 - Lokpal (Ombudsman)
 - Lokayukta
 - Study of Janlokpal Bill & Government LokpalBill

UNIT V: Comparative Criminal Law

- Impact of Domestic Violation Laws for the Empowerment of Women. (Article 14, 15, 16, 21, 23 and relevant Sections of I.P.C. ,Cr.P.C. and specific laws related with women.)
- Effectiveness of Rape Laws under India Criminal Justice System
- Plea Bargaining- A new development in the Criminal Justice System in U.S. and India (Cr.P.C. Chapter 21-A)
- White Collar Crimes
- Law relating to Juvenile Justice

Books & References:

- 1) Administrative Law:U.P.D.Kesari
- 2) Administrative law: Garner
- 3) Comparative constitutional law:D.D..Basu
- 4) Comparative administrative law : D.D. Basu
- 5) Constitutional law:H.M.Servai
- 6) Constitutional law: V. N. Shukla
- 7) Constitutional law: Wade and Philips
- 8) Judicial review of administrative actions: De Smith
- 9) An introduction to constitutional law (1998): Barendt
- 10) Administrative law (4th ed. 2004): Cane
- 11) The idea of public law (2003) : Loughlin

**Noida International University
School of Law and Legal Affairs
LL.M-I Semester Syllabus**

Subject: Law and Justice in Globalizing World

**Subject Code: LLM/CP/103
Credits: 03**

COURSE CONTENTS:

UNIT I: Introduction: Law and its concepts

- Law as an instrument of social change.
- Law as the product of tradition and culture
- Equality of law: Equal protection of law-National and International Scenario
- Law and Gender Inequality

UNIT II: Introduction: Ideas of Justice

- The concept of justice or Dharma in Indian thought
- The concept and various theories of justice in the western thought.
- Globalization and Concept of Global Justice

UNIT III: Global justice: Prevailing issues - I

- Global Poverty
- Armed Conflict
- Terrorism
- Buy and Sale of Organs
- Illegal Immigration

UNIT IV: Global justice: Prevailing issues - II

- Racism
- Homosexuality
- Trafficking
- Global Environment issues

UNIT V: Models to achieve Global Justice

- The Jurisprudence of Sarvodaya
- Globalization and Human Rights
- Concept of Rule of Law
- International Judicial Institutions:
 - International criminal court,
 - International court of justice
 - International Tribunal for the Law of the Sea
 - Permanent Court of Arbitration.

Books & References:

- 1) Marc Galanter (Ed.) *Law and Society in Modern India* (1997) Oxford.
- 2) Global Justice Net work: www.theglobaljusticenetwork.org/journal.
- 3) Simon Caney, *Justice Beyond Borders*, Oxford, 2005
- 4) Upendra Baxi (Ed.) *Law and Poverty Critical Essays* Tripathi, Bombay.
- 5) THOMAS NAGEL: *The Problem Of Global Justice*
: <http://as.nyu.edu/docs/IO/1172/globaljustice.pdf>
- 6) Duncan Derret, *the State, Religion and Law in India*, Oxford University Press, New Delhi.
- 7) H.M. Seervai, *Constitutional Law of India*
- 8) *Is global justice a mirage?* *European Journal of International Relations* March 2011 17: 145-157
- 9) Indian Law Institute, *Law and Social Change: Indo-American Reflections*, Tripathi.
- 10) Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* Oxford.
- 11) Thomas Pogge, *World Poverty and Human Rights*. Cambridge: Polity, 2002.
- 12) Amartya Sen *The idea of Justice* 2009

**School of Law and Legal Affairs
LL.M I Semester Syllabus
(Criminal and Security Law)**

Subject: Criminology and Criminal Justice administration

Credits: 02
Subject Code: LLM/CR/104

Course Content:

UNIT I - Criminology: Nature & Scope

- Nature and Extent of Crime in India
- Criminology
- Criminal Law and Criminology

UNIT II - School of Criminology

- The Schools of Criminology
- Causes of Crime
- Theories of crime: Sociological theories Anomies, Modern Sociological Theories: Sutherland's differential Association theory, Reckless Social vulnerable theory. Multiple Causation Theories

UNIT III-Factors influencing Crime-I

- Factor Responsible for Causation of Crime: Environment, home and community influences, urban and rural crimes. The ghetto, broken homes, effect of TV, Video, Press, Narcotics and Alcohol.

UNIT IV-Factors influencing Crime-II

- Caste community tension-Case, Wars and Communal riots-their causes and demoralizing effects, Atrocities against Scheduled Cadres.

UNIT V-Criminal Justice Administration

- Criminal Justice Structure
- Criminal law and its administration
- The Police System:Power and Duties of Police under the Police Act and Cr.P.C, Arrest, Search and Seizure and Constitutional imperatives, Liability of Police for Custodial Violence
- Right to bail, right against double jeopardy, right against custodial , Right of a prisoner etc.

Books

1. Katherine S Williams, Textbook on Criminology, 1999

2. Loveland, Frontiers of Criminality, 1995
3. Manheim H, comparative Criminology, 1965
4. Walker, N. Crime and Criminology, 1987
5. K. D. Gour (ed.): Criminal Law and Criminology.

Prescribed Books:

Edwin H. Sutherland- Criminology.

Ahmad Siddique- Criminology.

V.N.Rajan- Victimology in India.

Reference Books:

H.L.A. Hart- Punishment and Responsibility.

S. Chabra- Quantum of Punishment in Criminal Law.

Herbert L. Packer- the Limits of Criminal sanctions.

Noida International University
School of Law and Legal Affairs
LLM I Semester Syllabus
(Criminal and Security Law)

Subject: **International Criminal Law**

Credits: 02
Subject Code: LLM/CR/105

COURSE CONTENTS:

UNIT-I INTRODUCTION

- Introduction,
- Concept of Individual Criminal responsibility under international law
- Sources of International Criminal law.
- Enforcement of International Criminal Law: Nuremberg to Hague

UNIT-II INTERNATIONAL CRIMINAL COURT

- Establishment of the court,
- Structure
- Administration of the court

UNIT-III INTERNATIONAL CRIMES

- War crimes, Crimes against humanity, Genocide, Crime of aggression
- International crimes criminalized by the ICC Statute like torture transnational organized crime and terrorism.

UNIT IV Criminal Liability and Defences

- Liability- Command responsibility, perpetration, co perpetration, aiding and abetting, incitement, attempt, planning and conspiracy.
- Defence-Self- defence, necessity, duress, Insanity, mistake of fact, mistake of law, Order compliance, sovereign immunity, granted by international law and custom.

UNIT V- Extradition Laws

- Introduction
- Laws related to extradition
- Current issues and cases

Reading List

Cryer, R. *etal.*, *International Criminal Law and Procedure*, Cambridge, Cambridge University Press, 2010.

Bassioni, M., C. (ed.) *The Legislative History of International Criminal Court*, Ardsley, Transnational Publishers, 2003.

Cassese, A. *International Criminal Law*, Oxford, Oxford University Press, 2008.

Schabas, W., *An Introduction to International Criminal Court*, Cambridge, Cambridge University Press, 2010.

Werle, G., *Principles of International Criminal Law*, Asser Press, Hague, 2005.

The materials in the following websites are helpful:

<http://www.icc-cpi.int> (International Criminal Court)

Noida International University
School of Law and Legal Affairs
LL.M I Semester Syllabus
(Corporate and Commercial Law)

Subject: Banking and Insurance Law

Credits: 02
Subject Code: LLM /CL/104

COURSE CONTENTS:

- UNIT - I The Evaluation of Banking Services and its History in India
1. History of Banking in India.
 2. Bank nationalization and social control over banking.
 3. Various types of Banks and their functions.
 4. Contract between banker and customer: their rights and duties.
 5. Role and functions of Banking Institutions
- UNIT – II Lending by Banks and Recent Trends of Banking System in India
1. Advances, Loans and Securities.
 2. Direct, collateral and miscellaneous Securities.
 3. Default and recovery.
 4. Bank Debt Recovery Tribunals.
 5. The Securitization and Reconstruction of Financial Assets and \ Enforcements of Security Interest Act, 2002 (Definitions, Section 13 – Enforcement of security interest, Section 17 - Right to appeal.)
- UNIT – III General Principles of Law of Insurance
1. Definition, nature and history.
 2. Contract of insurance and principles.
 3. The Risk – commencement, attachment, assignment.
 4. Types of insurances.
 5. Policy and its Legal Status.
- UNIT – IV Recent Trends in Insurance
1. Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.)
 2. Liability Insurance.
 3. Consumer Protection and Banking and Insurance Services.
- UNIT – V
1. The Insurance Act, 1938 and the Insurance Regulatory & Development Authority Act,(IRDA), 2000.
 2. Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Mediclaim, Sickness).

Selected Bibliography:

1. Tannan, M.L., Tannan's Banking Law and Practice in India, 2008, Wadhwa and Co.
2. Tannan, M.L., Tannan's Banking Law and Practice in India, 2004, India Law House.
3. Tannan: Banking Law and Practice in India (in 3 vols.), 22nd Ed., R. Cambray & Co. Pvt. Ltd.
4. Gupta, S. N., The Banking Law in Theory and Practice (in three volumes), 2006, Universal Law Publishing Co.
5. Sharma, B.R. and Nainta, R.P., Principles of Banking Law and Negotiable Instruments Act 2004, Allahabad Law Agency
6. Nainta, R.P., Banking System, Frauds and Legal Control, 2005, Deep and Deep Publications.
7. Murthy, K.S.N., and Sarma, K.V.S., Modern Law of Insurance in India, 2002, Lexis Nexis Butterworth
8. Birds, John, Modern Insurance Law, 2003, Universal Publishing Co.
9. Shah, M. B., Landmark Judgments on Insurance, 2004, Universal Publishing Co.
10. Mishra, M.N., Law of Insurance Principles and Practice, 2008, Radhakrishnan Prakashan
11. Rangarajan, C., Handbook of Insurance and Allied Laws.

Noida International University
School of Law and Legal Affairs
LL.M I Semester Syllabus
(Corporate and Commercial Law)

Subject: **Competition Law**

Credits: 02
Subject Code: LLM/CL/105

Objectives:

Course Content:

UNIT-I

- Competition law in India: Introduction, growth, historical background and need for change.
- Globalization and competition Policy in India
- Monopoly and the new change.

UNIT-II

- Anti-competition agreements and the freedom of Contract (SS.23&27)
- Constitutional initiatives in the protection of monopolistic activities
- Competition laws in U.K., U.S.A and European Union, Cartel system and law
- **Antitrust laws:** introduction, the Sherman Act, Clayton Act, and Federal Trade Commission's Act, Relevant provisions of the said laws with comparative analysis.

UNIT-III

- The short comings of MRTP: Monopolistic Trade Practices, Restrictive Trade Practices and Unfair Trade Practices,
- Protection of consumer interests.
- An over view of the Competition Act 2002- preliminary

UNIT-IV

- Competition laws: Core issues, Dominant Position and its abuses
- comparative analysis with UK and US.
- The Prohibition of anti-competitive agreements, Indian position and remedies.
- Combinations and regulations of combination-Merger between enterprises comparative perspectives-Accommodative approach and protection of people from anti-competitive arrangements.
- WTO and Competition law- International initiatives.

UNIT-V

- Competition Act-2002: Authorities, Composition, Duties of Director General, Powers, Functions and jurisdiction of Competition Commission of India.
- Disposal of cases and remedies through the Commission
- Some important judgments of the Commission and the Supreme Court, Future initiatives, challenges.

Prescribed Books:

1. Competition Law in India - T.Ramappa.
2. Competition Act, 2002- Law and Practice. Suresh T.Vishwanathan.

Reference Books:

- 1.Competition Law-Emerging Trends—P.Satyanaraya Prasad

**Noida International University
School of Law and Legal Affairs
LL.M I Semester Syllabus
(Family and Social Security Law)**

Subject: Family Law-I (Hindu Law)

Subject Code: LLM/FL/104

Credits:02

Course contents:

UNIT-I

1. Basic Principle of Hindu Law
2. The Schools of Mitakshra & Dyabhag
3. Sources of Hindu Law

UNIT-II

1. Concept of Marriage under Hindu Law
 - (a) Conditions for valid Marriage
 - (b) Ceremonies under Hindu Marriage Act
 - (c) Registration of Marriage
 - (d) Penalties
2. Matrimonial Remedies
 - a) Nullity of Marriage
 - b) Restitution of Conjugal Rights with the help of decided case Law

UNIT-III

- a) Judicial Separation
- b) Divorce
 - 1) Irrevocable Breakdown Theory
 - 2) Divorce by mutual consent

UNIT-IV

1. Changing Concept of Adoption: From religious to secular
2. Inheritance
 - a) Historical perspective
 - b) General principle of Succession.
 - c) Succession to property of a Hindu male dying intestate under the Hindu Succession Act, 1956.

UNIT-V

1. Maintenance of wife, children, Parents.
2. Concept of Maintenance under Section 125 of Cr.P.C.
3. Minority & Guardianship under the Minority & Guardianship Act, 1956

REFERANCES—

ParasDiwan-	Hindu Law
U.P.D.Kesri-	Hindu Law
B.M.Gandhi-	Hindu Law

**Noida International University
School of Law and Legal Affairs
LL.M I Semester Syllabus
(Family and Social Security Law)**

Subject: Family Law-II (Muslim Law)

Subject Code: LLM/FL/105

Credits:02

Course contents:

UNIT- I--- HISTORY & SOURCE

1. Origin & Advent of Islam
2. Schools of Muslim Law
3. Sources of Muslim Law

UNIT-II NIKAH AND MEHR

1. Law of Marriage
 - a. Nature of Muslim Marriage
 - b. Formalities for Muslim Marriage
 - c. Kinds of Marriage
 - d. Mutah Marriage
 - e. Essentials of Mutah Marriage
 - f. Difference between Sunni and Shia Law of Marriage
2. Law of Mehr
 - a. Importance & Significance of Mehr
 - b. Object and Nature of Mehr
 - c. Kinds of Mehr

UNIT-III TALAQ AND IDDAT

1. Law of Divorce under Muslim Law
2. Classification of Dissolution of Marriage
3. Talaq by Mutual Consent
4. Talaq by Court under Dissolution of Muslim Marriage Act, 1939.
5. Iddat Period

UNIT-IV-MAINTENANCE (Nafaqa) AND GUARDIANSHIP (Hizanat)

1. Importance of Maintenance
2. Duration of Maintenance
3. Guardianship
 - a. Types of Guardians according to Islamic Law
 - b. Guardianship in Marriage
 - c. Guardianship in Property

UNIT-V -

1. Differences between Sunni and Shia
 - a. Divorce
 - b. Gift
 - c. Wills
 - d. Inheritance
2. The Muslim Personal Law Application Act, 1937.

REFERANCE BOOKS-

A.A.A. Fyazee—Outline of Mohammedan Law
Tyabji- Principles of Mohammedan Law
TahirMahmood- Muslim Personal Law
Anderson,JND- Islamic Law in Modern World
Khadduri-Islamic Jurisprudence
Schacht-The Origin of Mohammedan Jurisprudence
Amir Ali-Mohammedan Law
Aqil Ahmad—Mohammedan Law
R.K. Sinha- Muslim Law